

Application No. 10/721,892
Response to Office Action mailed March 12, 2007
Atty. Dkt. No.: 1:072,1010.1

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Remarks

Status of the Claims

Applicants thank the Examiner for the helpful interview held on April 5, 2007, and for the additional interview held on May 14, 2007.

Following amendment as requested herein, the following claims are now pending in the present application: 1, 11-16, 19-27, 32-41 and new Claims 43 and 44. By this Amendment, Claims 9, 23, and 26 are amended, and Claims 43 and 44 have been added. Newly added Claim 43 relates to methods of using the compounds to treat cardiovascular disorders. The Examiner is respectfully requested to rejoin previously withdrawn Claims 36-41, as discussed in the interview with the Examiner held on April 5, 2007.

To further clarify the amendments that have been presented here, Applicants note that in their response to the Restriction Requirement, they agreed to narrow the claims to cover compounds in which X_1 is $C(R^1)$, X_2 is N, X_3 is $C(R^2)$, and X_4 is $C(R^3)$, which compounds are, accordingly, imidazoles. As amended, X_1 is $C(R^1)$, X_2 is N, X_3 is $C(R^2)$, and X_4 is $C(R^3)$, so the claims are narrowed to cover only imidazoles.

The definition of R^1 was narrowed to just H, since the earlier proviso said that when X^1 represents $-C(R^1)-$, X_3 represents $-C(R^2)-$ and X_4 represents $-C(R^3)-$, then R^1 represents H. Since the claims have been amended to narrow the definitions of X^1 , X^3 and X^4 , the only remaining definition for R^1 was H (and the claims was amended accordingly).

Because the Examiner indicated that Claim 18 was objected to, but otherwise allowable if it incorporated the limitations of Claim 1, Claim 1 was amended to incorporate the limitations of Claim 18 (i.e., that Z_1 is S), and Claim 18 was cancelled.

Because Claim 1 formerly stated that Z_1 and Z_2 are not the same, the definition of Z_2 was amended to delete reference to S.

Claim 1 also formerly stated that when Z_1 represents $-CH=CH-$, then Z_2 may only represent $-CH-$ or $-N-$. Since the definition of Z_1 has been narrowed to S, this limitation no longer made sense, and was removed.

Claim 1 also formerly stated that "other than in the specific case in which Z_1 represents $-CH=CH-$, and Z_2 represents $-CH-$, when one Z_1 and Z_2 represents $-CH-$, then the

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other represents -O- or -S-." Since the definition of Z_1 has been narrowed to S, this limitation no longer made sense, and was removed.

The definition of R^4 in Claim 1 was also amended. R^4 was defined in a manner in which, when Z_1 represented $-CH=CH-$, R^4 could have represented $-N(H)S(O)_2N(H)C(O)R^7$ or $-N(H)C(O)N(H)S(O)_2R^7$. Since the definition of Z_1 has been narrowed to S, this limitation no longer made sense, and was removed.

Because the only mention of R^7 in Claim 1 was in the definition of R^4 , now amended to delete reference to R^7 , the definition of R^7 has been removed as well.

It is believed that these changes have clarified Claim 1, and also have narrowed the claims as required by the Examiner. Claim 1 as amended now has the same scope as Claim 18, which was only objected to, except as otherwise narrowed to the restricted groups.

It is believed that Claim 1 is now allowable. The Examiner is reminded of her indication, in the Office Action dated July 26, 2006, that she would delay a consideration of the chemical intermediates used to prepare the final compounds until such time as the final products are indicated as allowable.

In light of the amendments presented herein, it is believed that the claims to the final compounds are allowable and the time is now ripe to request consideration of the intermediates. Such consideration is earnestly solicited. The Examiner also suggested in the interview that she would potentially consider claims to processes of making the compounds. Along those lines, Claim 36 has been amended to delete reference to the preparation of compounds where R^4 is $-N(H)S(O)_2N(H)C(O)R^7$ or $-N(H)C(O)N(H)S(O)_2R^7$, as such moieties were removed from Claim 1. Further, the intermediate (of Formula IX) in Claim 41 included one of these moieties, and, accordingly, Claim 41 was cancelled.

Claim 25 (dependent on Claim 1) was amended to delete reference to Z_1 , which, in amended Claim 1, can only be S.

Claim 27 was amended to remove compounds that do not include an imidazole ring system.

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Restriction Requirement

The claims have been amended to limit them to imidazole compounds, as discussed above. Claims which otherwise would have defined X² as other than N, or which would have defined X¹, X³ or X⁴ as N, have been either cancelled or amended, as appropriate.

Allowable Subject Matter

The Office Action states that "Claim 18 ... would be allowable if: (1) rewritten in independent form including all of the limitations of the base claim and any intervening claims; and (2) directed solely toward the subject matter of elected Group IV." Office Action page 13, lines 1-5.

Applicants thank the Examiner for suggesting allowable subject matter. Claim 1 has been amended to incorporate the subject matter of Claim 18, and Applicants believe that Claim 1 as amended is in condition for allowance.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 42 was rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claim 42 has been cancelled, thus mooted this ground of rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 5, 9-17, 19-27 and 32-35 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Pat. No. 6,335,451 to Kleeman *et al.* ("Kleeman") in view of U.S. Pat. No. 5,807,878 to Corbier *et al.* ("Corbier"). This rejection is respectfully traversed as applied to the amended claims.

Although Applicants believe that the previously presented argument should have overcome the previous rejection, to facilitate prosecution, Applicants have amended Claim 1 to incorporate the limitations of Claim 18, which was indicated as otherwise allowable by the Examiner.

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**Rejoinder of Process for Preparation Claims/
Presentation of Method of Treatment Claims**

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As discussed with the Examiner in the telephonic interview held on April 5, 2007, Applicants would be permitted to rejoin process for preparation claims, and the Examiner would consider certain method of treatment claims, directed to the compounds the Examiner agreed were allowable (i.e., if Claim 1 was amended to incorporate the limitations of Claim 18, which Applicants have done).

The process claims were amended to be consistent in scope with the compound claims, as discussed above. Claims to the intermediates were amended, as suggested by the Examiner, to remove the "protected derivative thereof" language. Newly presented Claim 43 is directed to methods of treating specific cardiovascular disorders, as discussed with the Examiner. It is believed that this claim is allowable, given that the specification supports such treatment, and the related compound claims are allowable. Indication of such is earnestly solicited.

Applicants respectfully request that such process for preparation and method of treatment claims be considered and found to be allowable.

Should the Examiner be inclined to allow the compound claims, but consider the method claim to be unpatentable for any reason, she is encouraged to contact the undersigned Applicants' representative to discuss changes that might be made to these claims so that the application is in condition for allowance.

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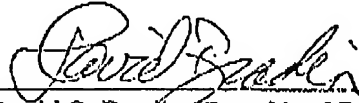
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In view of the amendments and comments presented herein, Applicants respectfully submit that the application is in condition for allowance, and prompt notification of same is earnestly solicited.

The Examiner is encouraged to contact the undersigned with any questions she may have, and if the Examiner is not inclined to allow any or all of the claims, to also issue an Advisory Action providing reasons for such non-allowance.

Respectfully submitted,

Date: May 14, 2007



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